

110TH CONGRESS  
2D SESSION

# H. R. 5466

To improve outcomes for vulnerable children by investing in families, improving accountability in the child welfare system, and finding safe, stable, and permanent homes for foster children.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2008

Mr. McDERMOTT (for himself, Mr. STARK, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. DAVIS of Alabama, Ms. DELAURO, and Mr. FATTAH) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To improve outcomes for vulnerable children by investing in families, improving accountability in the child welfare system, and finding safe, stable, and permanent homes for foster children.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Investment in Kids’  
5       Instruction, Development and Support Act” or the “Invest  
6       in KIDS Act”.

**1 SEC. 2. TABLE OF CONTENTS.**

**2 The table of contents of this Act is as follows:**

Sec. 1. Short title.

Sec. 2. Table of contents.

**TITLE I—PROVIDING SERVICES TO STRENGTHEN FAMILIES AND  
REDUCE THE NEED FOR FOSTER CARE**

Sec. 101. Child and family services program.

**TITLE II—ENSURING FEDERAL FOSTER COVERAGE FOR ALL  
CHILDREN IN NEED**

Sec. 201. Expanded eligibility for foster care and adoption assistance.

Sec. 202. Flexibility to establish separate standards for relative foster family homes.

Sec. 203. Application of standards to all children.

**TITLE III—SUPPORTING A QUALIFIED CHILD WELFARE  
WORKFORCE**

Sec. 301. Child welfare service quality improvement grants.

Sec. 302. Increase in payment rate for States for expenditures for short term training of staff of certain child welfare agencies and court personnel.

**TITLE IV—CONNECTING CHILDREN TO SUPPORT, FAMILY,  
HEALTH CARE, AND SCHOOL**

**Subtitle A—Connection to Support**

Sec. 401. State option for children in foster care after attaining age 18.

**Subtitle B—Connections to Family**

Sec. 411. Kinship guardianship assistance payments for children.

Sec. 412. Family connection grants.

Sec. 413. Information on adoption tax credit.

Sec. 414. Adoption incentives program.

Sec. 415. Sibling placement.

**Subtitle C—Connections to Health Care**

Sec. 421. Health oversight and coordination plan.

**Subtitle D—Connections to School**

Sec. 431. Educational stability.

1 **TITLE I—PROVIDING SERVICES**  
2 **TO STRENGTHEN FAMILIES**  
3 **AND REDUCE THE NEED FOR**  
4 **FOSTER CARE**

5 **SEC. 101. CHILD AND FAMILY SERVICES PROGRAM.**

6 (a) CHILD AND FAMILY SERVICES COMPONENT OF  
7 STATE PLAN.—Section 471(a) of the Social Security Act  
8 (42 U.S.C. 671(a)) is amended—

9 (1) by striking “and” at the end of paragraph  
10 (26);

11 (2) by striking the period at the end of para-  
12 graph (27) and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(28) at the option of the State, includes a  
15 child and family services component that describes  
16 in detail—

17 “(A) how the State intends to spend the  
18 funds provided under section 474(a)(5), and an  
19 assurance that the State will submit to the Sec-  
20 retary reports on annual spending of the funds  
21 in accordance with a detailed, uniform system  
22 which shall be developed by the Secretary;

23 “(B) the goals the State intends to achieve  
24 with the expenditure of the funds; and

1                   “(C) the process by which the State in-  
 2                   tends to assess the effects of the expenditure of  
 3                   the funds on—

4                   “(i) the goals referred to in subpara-  
 5                   graph (B) of this paragraph; and

6                   “(ii) other indicators of child welfare  
 7                   performance; and

8                   “(D) whether the State intends to spend  
 9                   funds provided under section 474(a)(5) to im-  
 10                  plement, in whole or in part, a corrective action  
 11                  plan referred to in subsection (b)(2)(B) of this  
 12                  section.”.

13           (b) APPROVAL OF CHILD AND FAMILY SERVICES  
 14   COMPONENT.—Section 471(b) of such Act (42 U.S.C.  
 15   671(b)) is amended to read as follows:

16           “(b)(1) The Secretary shall approve any plan which  
 17   complies with subsection (a), subject to paragraph (2) of  
 18   this subsection.

19           “(2)(A) The Secretary may not approve the child and  
 20   family services component of a plan submitted pursuant  
 21   to this part if there is in effect a final determination under  
 22   section 1123A that a State program under part B or this  
 23   part has failed to substantially conform with the require-  
 24   ments, regulations, and plans referred to in section  
 25   1123A(a) that apply to the program, unless the State is

1 implementing a corrective action plan referred to in sec-  
2 tion 1123A(b)(4)(A) with respect to the failure. The Sec-  
3 retary may disapprove the component if the State is not  
4 making meaningful progress in ending the failure to so  
5 conform.

6 “(B) The Secretary may disapprove the child and  
7 family services component of a plan submitted pursuant  
8 to this part if—

9 “(i) the component describes an intention of the  
10 State to expend funds using a method that is sub-  
11 stantially similar to a specific method used by the  
12 State to expend funds pursuant to the State plan  
13 approved under this part in not less than 2 of the  
14 5 most recently preceding fiscal years; and

15 “(ii) the prior spending failed to result in mean-  
16 ingful progress towards achieving the goals described  
17 in the plan pursuant to subsection (a)(28)(B), deter-  
18 mined on the basis of the process referred to in sub-  
19 section (a)(28)(C).”.

20 (c) PAYMENTS TO STATES.—Section 474(a) of such  
21 Act (42 U.S.C. 674(a)) is amended—

22 (1) by striking the period at the end of para-  
23 graph (4) and inserting “; plus”; and

24 (2) by adding at the end the following:

1 “(5) an amount equal to the Federal medical  
2 assistance percentage (as defined in section 1905(b))  
3 of the total amount expended during such quarter to  
4 provide (and evaluate the provision of) services  
5 which seek to—

6 “(A) safely reduce the number of children  
7 in foster care;

8 “(B) safely reduce the length of stay for  
9 children in foster care;

10 “(C) increase the percentage of foster chil-  
11 dren who are cared for in family-like settings;  
12 and

13 “(D) improve the well-being of children in  
14 foster care, in an adoption eligible for payments  
15 under section 473, or in a kinship guardianship  
16 arrangement eligible for payments under section  
17 473(d); and”.

18 (d) APPLICABILITY TO INDIAN TRIBES.—Section  
19 479B(b)(2)(A)(i) of such Act, as added by section  
20 201(e)(2) of this Act, is amended by striking “(1) and  
21 (2)” and inserting “(1), (2), and (5)”.

22 (e) NONSUPPLANTATION.—Section 474 of such Act  
23 (42 U.S.C. 674) is amended by adding at the end the fol-  
24 lowing:

1 “(g) A State to which funds are paid under sub-  
2 section (a)(5) shall use those funds to supplement and not  
3 supplant any Federal, State or local funds used for serv-  
4 ices described in such subsection.”.

5 **TITLE II—ENSURING FEDERAL**  
6 **FOSTER COVERAGE FOR ALL**  
7 **CHILDREN IN NEED**

8 **SEC. 201. EXPANDED ELIGIBILITY FOR FOSTER CARE AND**  
9 **ADOPTION ASSISTANCE.**

10 (a) FOSTER CARE.—

11 (1) ELIMINATION OF INCOME ELIGIBILITY RE-  
12 QUIREMENT.—

13 (A) IN GENERAL.—Section 472(a) of the  
14 Social Security Act (42 U.S.C. 672(a)) is  
15 amended—

16 (i) in paragraph (1), by striking  
17 “specified” and all that follows and insert-  
18 ing “or caretaker into foster care if the re-  
19 moval and foster care placement met, and  
20 continues to meet, the requirements of  
21 paragraph (2).”; and

22 (ii) by striking paragraphs (3) and  
23 (4).

24 (B) CONFORMING AMENDMENT.—Section  
25 470 of such Act (42 U.S.C. 670) is amended by

1 striking “who otherwise would have been eligi-  
2 ble for assistance under the State’s plan ap-  
3 proved under part A (as such plan was in effect  
4 on June 1, 1995)”.

5 (2) FOSTER CARE MAINTENANCE PAYMENTS  
6 MATCH RATE.—Section 474 (42 U.S.C. 674), as  
7 amended by section 101(e) of this Act, is amended—

8 (A) in subsection (a)(1), by inserting “,  
9 subject to subsection (h)(1)” before the semi-  
10 colon; and

11 (B) by adding at the end the following:

12 “(h)(1)(A) The Secretary shall reduce the percentage  
13 by which expenditures referred to in subsection (a)(1) are  
14 reimbursed, by such equal percentage for all States as may  
15 be necessary to ensure that—

16 “(i) the ratio, for any calendar quarter, of  
17 the total of the amounts payable to States  
18 under such subsection to the total of all  
19 amounts expended by the States as foster care  
20 maintenance payments (whether or not eligible  
21 for reimbursement under this part), excluding  
22 any expenditure made from other funds pro-  
23 vided by the Federal Government; equals



1                   “(ii) the average such ratio for the 12  
2                   quarters most recently preceding the effective  
3                   date of this subsection.

4           “(B)(i) The Secretary shall establish procedures to  
5 allow States to submit to the Secretary supplemental  
6 claims for reimbursement of expenditures referred to in  
7 subsection (a)(1) incurred during the 3-year period begin-  
8 ning with the effective date of this subsection.

9           “(ii) A supplemental claim for reimbursement of ex-  
10 penditures referred to in subsection (a)(1) that is sub-  
11 mitted by a State may be for an amount that does not  
12 exceed the amount (if any) by which—

13                   “(I) the maximum amount the State lawfully  
14                   could have claimed under this section with respect to  
15                   the expenditures, if this subsection had not been en-  
16                   acted; exceeds

17                   “(II) the amount the State otherwise claims  
18                   under this section with respect to the expenditures.

19           “(iii) The Secretary shall pay to a State that submits  
20 a supplemental claim in accordance with this subpara-  
21 graph the total amount claimed.

22           “(C) For each State with respect to which a claim  
23 has been paid under subparagraph (B) of this paragraph,  
24 the Secretary shall—

1           “(i) calculate the overall rate at which the ex-  
2           penditures referred to in subsection (a)(1) have been  
3           reimbursed under this part during the 3-year period  
4           described in subparagraph (B) of this paragraph;  
5           and

6           “(ii) for each subsequent calendar quarter, re-  
7           imburse the expenditures at the overall rate.”.

8           (b) ADOPTION ASSISTANCE.—

9           (1) ELIMINATION OF INCOME ELIGIBILITY RE-  
10          QUIREMENT.—Section 473(a)(2) of such Act (42  
11          U.S.C. 673(a)(2)) is amended to read as follows:

12          “(2)(A) For purposes of paragraph (1)(B)(ii), a  
13          child meets the requirements of this paragraph if the  
14          child—

15                 “(i)(I) at the time adoption proceedings  
16                 were initiated, had been removed from his or  
17                 her home—

18                         “(aa) pursuant to a voluntary place-  
19                         ment agreement with respect to which  
20                         Federal payments are provided under sec-  
21                         tion 474; or

22                         “(bb) as a result of a judicial deter-  
23                         mination to the effect that continuation  
24                         therein would be contrary to the welfare of  
25                         the child;

1           “(II) is eligible for supplemental security  
2 income benefits under title XVI; or

3           “(III) is a child whose costs in a foster  
4 family home or child-care institution are cov-  
5 ered by the foster care maintenance payments  
6 being made with respect to the minor parent of  
7 the child as described in section 475(4)(B); and

8           “(ii) has been determined by the State,  
9 pursuant to subsection (c), to be a child with  
10 special needs.

11           “(B) A child who meets the requirements  
12 of subparagraph (A)(ii) of this paragraph, who  
13 was determined eligible for adoption assistance  
14 payments under this part with respect to a  
15 prior adoption, and who is available for adop-  
16 tion because the prior adoption has been dis-  
17 solved and the parental rights of the adoptive  
18 parents have been terminated or because the  
19 child’s adoptive parents have died, shall be  
20 treated as meeting the requirements of this  
21 paragraph for purposes of paragraph  
22 (1)(B)(ii).”.

23           (2) ADOPTION ASSISTANCE PAYMENTS MATCH  
24 RATE.—Section 474 of such Act (42 U.S.C. 674) is  
25 amended—

1 (A) in subsection (a)(2), by inserting “,  
2 subject to subsection (h)(2)” before the semi-  
3 colon; and

4 (B) by adding at the end of subsection (h)  
5 (as added by subsection (a)(2)(B) of this sec-  
6 tion) the following:

7 “(2)(A) The Secretary shall reduce the percentage by  
8 which the expenditures referred to in subsection (a)(2) are  
9 reimbursed, by such equal percentage for all States as may  
10 be necessary to ensure that—

11 “(i) the ratio, for any calendar quarter, of the  
12 total of the amounts payable to States under such  
13 subsection to the total of all amounts expended by  
14 the States as adoption assistance payments (whether  
15 or not eligible for reimbursement under this part),  
16 excluding any expenditure made from other funds  
17 provided by the Federal Government; equals

18 “(ii) the average such ratio for the 12 quarters  
19 most recently preceding the effective date of this  
20 subsection.

21 “(B)(i) The Secretary shall establish procedures to  
22 allow States to submit to the Secretary supplemental  
23 claims for reimbursement of expenditures referred to in  
24 subsection (a)(2) incurred during the 3-year period begin-  
25 ning with the effective date of this subsection.

1       “(ii) A supplemental claim for reimbursement of ex-  
2       penditures referred to in subsection (a)(2) that is sub-  
3       mitted by a State may be for an amount that does not  
4       exceed the amount (if any) by which—

5               “(I) the maximum amount the State lawfully  
6       could have claimed under this section with respect to  
7       the expenditures, if this subsection had not been en-  
8       acted; exceeds

9               “(II) the amount the State otherwise claims  
10      under this section with respect to the expenditures.  
11      “(iii) The Secretary shall pay to a State that submits  
12      a supplemental claim in accordance with this subpara-  
13      graph the total amount claimed.

14      “(C) For each State with respect to which a claim  
15      has been paid under subparagraph (B) of this paragraph,  
16      the Secretary shall—

17              “(i) calculate the overall rate at which the ex-  
18      penditures referred to in subsection (a)(2) have been  
19      reimbursed under this part during the 3-year period  
20      described in subparagraph (B) of this paragraph;  
21      and

22              “(ii) for each subsequent calendar quarter, re-  
23      imburse the expenditures at the overall rate.”.

24      (c) ADMINISTRATIVE COSTS.—

1           (1) IN GENERAL.—Section 474 of such Act (42  
2       U.S.C. 674) is amended—

3           (A) in subsection (a)(3)(E), by inserting “,  
4       subject to subsection (h)(3)” after “expendi-  
5       tures”; and

6           (B) by adding at the end of subsection (h)  
7       (as added by subsection (a)(2)(B) of this sec-  
8       tion) the following:

9       “(3)(A) The Secretary shall reduce the percentage by  
10     which the expenditures referred to in subsection (a)(3)(E)  
11     are reimbursed, by such equal percentage for all States  
12     as may be necessary to ensure that—

13       “(i) the ratio, for any calendar quarter, of the  
14     total of the amounts payable to States under sub-  
15     section (a)(3)(E) to the total of all amounts ex-  
16     pended by the States for expenditures referred to in  
17     such subsection (whether or not eligible for reim-  
18     bursement under this part), excluding any expendi-  
19     ture made from other funds provided by the Federal  
20     Government; equals

21       “(ii) the average such ratio for the 12 quarters  
22     most recently preceding the effective date of this  
23     subsection.

24       “(B) The Secretary shall establish procedures to  
25     allow States to submit to the Secretary supplemental

1 claims for reimbursement of expenditures referred to in  
2 subsection (a)(3)(E) incurred during the 3-year period be-  
3 ginning with the effective date of this subsection.

4 “(C) The Secretary shall pay a claim submitted pur-  
5 suant to subparagraph (B) with respect to an expenditure,  
6 to the extent that, in the absence of this paragraph, an  
7 amount would be payable under this part with respect to  
8 the expenditure.

9 “(D) For each State with respect to which a claim  
10 has been paid under subparagraph (B) of this paragraph,  
11 the Secretary shall—

12 “(i) calculate the overall rate at which the ex-  
13 penditures referred to in subsection (a)(3)(E) have  
14 been reimbursed under this part during the 3-year  
15 period described in subparagraph (B) of this para-  
16 graph; and

17 “(ii) for each subsequent calendar quarter, re-  
18 imburse the expenditures at the overall rate.”.

19 (2) LIMITATION ON EXPENDITURES NOT RE-  
20 LATED TO PLACEMENT OR CASE MANAGEMENT AC-  
21 TIVITIES.—Section 474 of such Act (42 U.S.C. 674),  
22 as amended by the preceding provisions of this sec-  
23 tion, is amended by adding at the end the following:

24 “(i) A State shall not use more than 15 percent of  
25 the amounts paid to the State under subsection (a)(3)(E)

1 for expenditures relating to determining eligibility, setting  
 2 rates for foster care homes and institutions, and the pro-  
 3 portionate share of related agency overhead.”.

4 (d) REMOVAL OF TITLE IV–E FROM FUNDING CAP  
 5 FOR THE TERRITORIES.—Section 1108 of such Act (42  
 6 U.S.C. 1308) is amended in each of subsections (a)(1) and  
 7 (b)(1), by striking “parts A and E” and inserting “part  
 8 A”.

9 (e) AUTHORITY OF INDIAN TRIBES TO RECEIVE  
 10 FEDERAL FUNDS FOR FOSTER CARE AND ADOPTION AS-  
 11 SISTANCE.—

12 (1) CHILDREN PLACED IN TRIBAL CUSTODY EL-  
 13 IGIBLE FOR FOSTER CARE FUNDING.—Section  
 14 472(a)(2)(B) of such Act (42 U.S.C. 672(a)(2)(B))  
 15 is amended—

16 (A) by striking “or” at the end of clause  
 17 (i);

18 (B) by striking “and” and inserting “or”  
 19 at the end of clause (ii); and

20 (C) by adding at the end the following:

21 “(iii) an Indian tribe or tribal organi-  
 22 zation (as defined in section 479B(e)) or  
 23 an intertribal consortium, if the Indian  
 24 tribe, tribal organization, or consortium—



1 “(I) is operating a program pur-  
 2 suant to section 479B;

3 “(II) has a cooperative agree-  
 4 ment with a State pursuant to section  
 5 479B(c); or

6 “(III) submits to the Secretary a  
 7 description of the arrangements  
 8 (jointly developed or developed in con-  
 9 sultation with the State) made by the  
 10 Indian tribe, tribal organization, or  
 11 consortium for the payment of funds  
 12 and the provision of the child welfare  
 13 services and protections required by  
 14 this title; and”.

15 (2) PROGRAMS OPERATED BY INDIAN TRIBAL  
 16 ORGANIZATIONS.—Part E of title IV of such Act (42  
 17 U.S.C. 670 et seq.) is amended by adding at the end  
 18 the following:

19 **“SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL OR-**  
 20 **GANIZATIONS.**

21 “(a) APPLICATION.—Except as provided in sub-  
 22 section (b), this part shall apply to an Indian tribe or trib-  
 23 al organization that elects to operate a program under this  
 24 part in the same manner as this part applies to a State.

25 “(b) MODIFICATION OF PLAN REQUIREMENTS.—

1 “(1) SERVICE AREA; STANDARDS.—

2 “(A) IN GENERAL.—Subject to subpara-  
3 graph (B), in the case of an Indian tribe or  
4 tribal organization submitting a plan for ap-  
5 proval under section 471, the plan shall—

6 “(i) in lieu of the requirement of sec-  
7 tion 471(a)(3), identify the service area or  
8 areas and population to be served by the  
9 Indian tribe or tribal organization; and

10 “(ii) in lieu of the requirement of sec-  
11 tion 471(a)(10), provide for the approval  
12 of foster homes pursuant to tribal stand-  
13 ards and in a manner that ensures the  
14 safety of, and accountability for, children  
15 placed in foster care.

16 “(B) SPECIAL RULE.—With respect to an  
17 Indian tribe located in the State of Alaska—

18 “(i) subparagraph (A)(ii) of this para-  
19 graph shall not apply; and

20 “(ii) the requirement of section  
21 471(a)(10) shall apply to a plan submitted  
22 by the tribe.

23 “(2) DETERMINATION OF FEDERAL SHARE.—

24 “(A) PER CAPITA INCOME.—

1           “(i) IN GENERAL.—For purposes of  
2           determining the Federal medical assistance  
3           percentage applicable to an Indian tribe or  
4           tribal organization under paragraphs (1)  
5           and (2) of section 474(a), the calculation  
6           of an Indian tribe’s or tribal organization’s  
7           per capita income shall be based on the  
8           service population of the Indian tribe or  
9           tribal organization as defined in its plan in  
10          accordance with paragraph (1)(A) of this  
11          subsection.

12          “(ii) CONSIDERATION OF OTHER IN-  
13          FORMATION.—An Indian tribe or tribal or-  
14          ganization may submit to the Secretary  
15          such information as the Indian tribe or  
16          tribal organization considers relevant to  
17          the calculation of the per capita income of  
18          the Indian tribe or tribal organization, and  
19          the Secretary shall consider such informa-  
20          tion before making the calculation.

21          “(B) ADMINISTRATIVE EXPENDITURES.—  
22          The Secretary shall, by regulation, determine  
23          the percentages to be paid to Indian tribes and  
24          tribal organizations pursuant to section  
25          474(a)(3), which shall not be less than the cor-

1           responding percentages specified for a State in  
2           that section.

3           “(C)     SOURCES     OF     NON-FEDERAL  
4           SHARE.—The Secretary shall make payments  
5           under section 474 with respect to expenditures  
6           of an Indian tribe or tribal organization, with-  
7           out regard to the source of the funds used for  
8           the expenditure.

9           “(3)   MODIFICATION OF OTHER REQUIRE-  
10          MENTS.—Upon the request of an Indian tribe, a  
11          tribal organization, or a consortium of tribes or trib-  
12          al organizations, the Secretary may modify any re-  
13          quirement under this part if, after consulting with  
14          the Indian tribe, tribal organization, or consortium,  
15          the Secretary determines that modification of the re-  
16          quirement would advance the best interests and the  
17          safety of children served by the Indian tribe, tribal  
18          organization, or consortium.

19          “(4)   CONSORTIUM.—The participating Indian  
20          tribes or tribal organizations of an intertribal con-  
21          sortium may develop and submit a single plan under  
22          section 471 that meets the requirements of this sec-  
23          tion.

24          “(c)   COOPERATIVE AGREEMENTS.—An Indian tribe,  
25          tribal organization, or intertribal consortium and a State

1 may enter into a cooperative agreement for the adminis-  
2 tration or payment of funds pursuant to this part. In any  
3 case where an Indian tribe, tribal organization, or inter-  
4 tribal consortium and a State enter into a cooperative  
5 agreement that incorporates any of the provisions of this  
6 section, those provisions shall be valid and enforceable.  
7 Any such cooperative agreement that is in effect as of the  
8 date of the enactment of this section, shall remain in full  
9 force and effect subject to the right of either party to the  
10 agreement to revoke or modify the agreement pursuant  
11 to the terms of the agreement.

12 “(d) REGULATIONS.—Not later than 1 year after the  
13 date of the enactment of this section, the Secretary shall,  
14 in full consultation with Indian tribes and tribal organiza-  
15 tions, promulgate regulations to carry out this section.

16 “(e) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGA-  
17 NIZATION.—In this section, the terms ‘Indian tribe’ and  
18 ‘tribal organization’ have the meanings given those terms  
19 in subsections (e) and (l) of section 4 of the Indian Self-  
20 Determination and Education Assistance Act (25 U.S.C.  
21 450b), respectively, except that, with respect to the State  
22 of Alaska, the term ‘Indian tribe’ has the meaning given  
23 that term in section 419(4)(B) of this Act.”.

24 (f) CONFORMING CHANGES FOR FMAP FOR THE  
25 DISTRICT OF COLUMBIA.—Section 474(a) of such Act (42

1 U.S.C. 674(a)) is amended in each of paragraphs (1) and  
 2 (2) by striking “(as defined in section 1905(b) of this  
 3 Act)” inserting “(which shall be as defined in section  
 4 1905(b), in the case of a State other than the District  
 5 of Columbia, or 70 percent, in the case of the District  
 6 of Columbia)”.

7 **SEC. 202. FLEXIBILITY TO ESTABLISH SEPARATE STAND-**  
 8 **ARDS FOR RELATIVE FOSTER FAMILY**  
 9 **HOMES.**

10 Section 471(a)(10) of the Social Security Act (42  
 11 U.S.C. 671(a)(10)) is amended by inserting before the  
 12 semicolon the following: “, and, at the option of the State,  
 13 that the authority or authorities may—

14 “(A) establish and maintain separate  
 15 standards for foster family homes in which a  
 16 foster parent is a relative of the foster child,  
 17 that, at a minimum, protect the safety of the  
 18 child and provide for criminal records checks;  
 19 and

20 “(B) apply the standards referred to in  
 21 subparagraph (A) of this paragraph to any such  
 22 relative foster care provider to whom funds are  
 23 paid pursuant to section 472 or part B in lieu  
 24 of the standards that would otherwise apply to  
 25 a foster family home.”.

1 **SEC. 203. APPLICATION OF STANDARDS TO ALL CHILDREN.**

2 Section 471(a)(10) of the Social Security Act (42  
3 U.S.C. 671(a)(10)) is amended by striking “receiving  
4 funds under this part or part B of this title” and inserting  
5 “caring for a child who is in the custody of the State”.

6 **TITLE III—SUPPORTING A**  
7 **QUALIFIED CHILD WELFARE**  
8 **WORKFORCE**

9 **SEC. 301. CHILD WELFARE SERVICE QUALITY IMPROVE-**  
10 **MENT GRANTS.**

11 Part B of title IV of the Social Security Act (42  
12 U.S.C. 620–629i) is amended by adding at the end the  
13 following:

14 **“Subpart 3—Supporting Quality Front Line Workers**  
15 **“SEC. 441. CHILD WELFARE SERVICE QUALITY IMPROVE-**  
16 **MENT GRANTS.**

17 “(a) IN GENERAL.—The Secretary, acting through  
18 the Administration of Children and Families, shall make  
19 grants to States to improve the quality of child welfare  
20 services by increasing the quality and capacity of their  
21 child welfare workforce or by increasing the coordination  
22 of their child welfare services.

23 “(b) APPLICATIONS.—

24 “(1) CONTENTS.—A State desiring to receive a  
25 grant under this section shall submit to the Sec-  
26 retary an application that includes the following:

1           “(A) PLAN.—A detailed description of how  
2           the State intends to expend funds provided  
3           under this part to improve the performance of  
4           the State in such indicators set forth in para-  
5           graph (2) as the State may select.

6           “(B) BASELINE DATA.—The data de-  
7           scribed by each indicator selected by the State  
8           under paragraph (1), with respect to all child  
9           welfare agencies in the State, for the fiscal year  
10          preceding the first fiscal year for which the  
11          grant is requested.

12          “(C) BUDGET.—A budget showing how the  
13          State would expend funds (including any grant  
14          funds provided under this section) for child wel-  
15          fare services or the improvement of the services.

16          “(D) ASSURANCE.—An assurance that the  
17          State will submit to the Secretary reports on  
18          annual expenditures of the funds, and the ef-  
19          fects of the expenditures on improving the per-  
20          formance described in subparagraph (A).

21          “(2) INDICATORS.—The indicators set forth in  
22          this paragraph are the following:

23                 “(A) The average number of children or  
24                 families, per caseworker—



1                   “(i) for caseworkers who provide serv-  
2                   ices for abused or neglected children and  
3                   their families;

4                   “(ii) for caseworkers who provide  
5                   services to strengthen and preserve fami-  
6                   lies with children;

7                   “(iii) for caseworkers who provide  
8                   adoption services; and

9                   “(iv) for caseworkers who provide  
10                  family foster care services.

11                 “(B) The average rate at which super-  
12                 visory child welfare workers left employment,  
13                 and at which nonsupervisory child welfare work-  
14                 ers left employment.

15                 “(C) The average duration of employment  
16                 of supervisory child welfare workers and of non-  
17                 supervisory child welfare workers.

18                 “(D) The total number and percentage of  
19                 supervisory child welfare workers and of non-  
20                 supervisory child welfare workers who have re-  
21                 ceived a bachelor’s or more advanced degree  
22                 from an institution of higher education, in the  
23                 aggregate, and broken down by field of study.

1           “(E) The average number of staff for  
2           whom supervisory child welfare workers are re-  
3           sponsible.

4           “(F) The range and scope of training op-  
5           portunities, including numbers and percentage  
6           of supervisory child welfare staff and of non-  
7           supervisory child welfare staff engaged in train-  
8           ing programs.

9           “(3) AMENDMENT OF APPLICATIONS.—A State  
10          may at any time submit to the Secretary an amend-  
11          ment to the application of the State under this sub-  
12          section. On approval of such an amendment, the ap-  
13          plication shall be considered to include the amend-  
14          ment.

15          “(4) CONSIDERATION.—The Secretary may dis-  
16          approve an application submitted pursuant to this  
17          subsection if—

18                 “(A) the application describes a method by  
19                 which the State intends to expend funds using  
20                 a method that is substantially similar to a spe-  
21                 cific method used by the State to expend funds  
22                 pursuant to the State plan approved under this  
23                 part in not less than 2 of the 5 most recently  
24                 preceding fiscal years; and

1           “(B) the prior spending failed to result in  
 2           meaningful progress in improving the perform-  
 3           ance of the State in the indicators selected by  
 4           the State pursuant to paragraph (1)(A).

5           “(c) GRANTS.—

6           “(1) IN GENERAL.—On certification by the Sec-  
 7           retary that a State application for a grant under  
 8           this section meets the requirements of subsection  
 9           (b), and on approval by the Secretary of the applica-  
 10          tion, the State shall be eligible to receive a grant  
 11          under this section for each fiscal year for which  
 12          funds are available for such a grant.

13          “(2) GRANT AMOUNT.—The Secretary shall  
 14          make a grant to each State that is eligible to receive  
 15          a grant under this section for a fiscal year, in an  
 16          amount equal to the lesser of—

17                 “(A) the amount finally allotted to or re-  
 18                 served for the State under this subsection for  
 19                 the fiscal year; or

20                 “(B) 3 times the amount that the State  
 21                 has committed to spend to carry out the activi-  
 22                 ties described in the approved application.

23          “(3) RESERVATION OF FUNDS.—

24                 “(A) PUERTO RICO.—The Secretary shall  
 25                 reserve 1.75 percent of the funds appropriated

1           pursuant to subsection (j) for each fiscal year,  
2           for a grant to Puerto Rico under this section  
3           for the fiscal year. If, for a fiscal year, Puerto  
4           Rico does not submit to the Secretary an appli-  
5           cation that meets the requirements of sub-  
6           section (b), the funds so reserved shall be avail-  
7           able for allotment under paragraph (4) of this  
8           subsection for the succeeding fiscal year or (if  
9           the succeeding fiscal year is fiscal year 2009)  
10          remitted to the Treasury of the United States.

11           “(B) OTHER TERRITORIES.—The Sec-  
12          retary shall reserve 0.3 percent of the funds ap-  
13          propriated pursuant to subsection (j) for each  
14          fiscal year, for grants among the United States  
15          Virgin Islands, Guam, American Samoa, and  
16          the Commonwealth of the Northern Mariana Is-  
17          lands under this section in such amounts as the  
18          Secretary deems appropriate for the fiscal year.  
19          If, for a fiscal year, none of such territories  
20          submits to the Secretary an application that  
21          meets the requirements of subsection (b), the  
22          funds so reserved shall be available for allot-  
23          ment under paragraph (4) of this subsection for  
24          the succeeding fiscal year or (if the succeeding

1       fiscal year is fiscal year 2009) remitted to the  
2       Treasury of the United States.

3               “(C) INDIAN TRIBES.—The Secretary shall  
4       reserve 2 percent of the funds appropriated  
5       pursuant to subsection (j) for each fiscal year,  
6       for grants among Indian tribes under this sec-  
7       tion in such amounts as the Secretary deems  
8       appropriate for the fiscal year. If, for a fiscal  
9       year, the Secretary does not receive from any  
10      Indian tribe an application that meets the re-  
11      quirements of subsection (b), the funds so re-  
12      served shall be available for allotment under  
13      paragraph (4) of this subsection for the suc-  
14      ceeding fiscal year or (if the succeeding fiscal  
15      year is fiscal year 2009) remitted to the Treas-  
16      ury of the United States.

17              “(D) TECHNICAL ASSISTANCE AND EVAL-  
18      UATIONS.—The Secretary shall reserve 1 per-  
19      cent of the funds appropriated pursuant to sub-  
20      section (j) for each fiscal year, to pay the costs  
21      of providing technical assistance and conducting  
22      evaluations under this section.

23              “(4) ALLOTMENTS.—

24              “(A) INITIAL ALLOTMENT.—From the  
25      amount available to carry out this section for a

1       fiscal year that remains after applying para-  
2       graph (3) for the fiscal year (including any  
3       amount available for allotment under this para-  
4       graph for the fiscal year after applying para-  
5       graph (3) for the preceding fiscal year), the  
6       Secretary shall initially allot to each State not  
7       described in paragraph (3) for a fiscal year an  
8       amount that bears the same ratio to the re-  
9       maining amount as the number of individuals  
10      who reside in the State and have not attained  
11      18 years of age bears to the total number of  
12      such individuals in all States not described in  
13      paragraph (3) that are eligible for a grant  
14      under this section for such most recent fiscal  
15      year.

16           “(B) FINAL ALLOTMENT.—The Secretary  
17      shall reduce the amount initially allotted to  
18      each State with an initial allotment under sub-  
19      paragraph (A) of more than \$300,000, on a pro  
20      rata basis, to the extent necessary to ensure  
21      that the amount finally allotted to each such  
22      State is not less than \$300,000.

23      “(d) USE OF GRANT.—

24           “(1) IN GENERAL.—A State to which a grant  
25      is made under this section shall use the grant in ac-

1 cordance with the approved application for the  
2 grant.

3 “(2) AVAILABILITY OF FUNDS.—A State that  
4 receives funds under this section shall remit to the  
5 Secretary any of such funds that remain unexpended  
6 by the State at the end of the 2-year period that be-  
7 gins with the date of the receipt.

8 “(3) NONSUPPLANTATION.—A State to which a  
9 grant is made under this section shall use the grant  
10 to supplement and not supplant any Federal, State,  
11 or local funds used for child welfare services or child  
12 welfare training.

13 “(e) MONITORING.—The Secretary shall monitor the  
14 activities of grantees under this section to ensure compli-  
15 ance with this section and any State plan of the grantee  
16 under subpart 1.

17 “(f) TECHNICAL ASSISTANCE.—The Secretary may  
18 provide technical assistance to any grantee to assist the  
19 grantee in improving the quality of child welfare services,  
20 including strategies to recruit, train, and retain high qual-  
21 ity staff, and in complying with the provisions of law re-  
22 ferred to in subsection (e).

23 “(g) ENFORCEMENT.—

24 “(1) IN GENERAL.—If the Secretary determines  
25 that, during a fiscal year, a grantee under this sec-

tion has not complied with a requirement of this Act, the Secretary may—

“(A) in the case of the 1st such determination of noncompliance, reduce by not less than 5 percent the amount of the grant otherwise payable to the grantee under this section for the fiscal year;

“(B) in the case of the 2nd such determination of noncompliance, reduce by not less than 25 percent the amount of the grant otherwise payable to the grantee under this section for the fiscal year; and

“(C) in the case of the 3rd or any subsequent such determination of noncompliance, withhold the payment of a grant to the grantee under this section for any succeeding fiscal year, notwithstanding subsection (c).

“(2) RECOVERY.—In the case of a determination under paragraph (1) of grantee noncompliance, to the extent that a penalty cannot be imposed under paragraph (1), the Secretary shall require the grantee to remit to the Secretary the amount of the penalty not able to be so imposed.

“(h) EVALUATION.—



1           “(1) IN GENERAL.—Not later than September  
2       30, 2009, the Secretary shall conduct an interim  
3       evaluation to determine whether the grantees under  
4       this section have improved the provision of child wel-  
5       fare services beyond the level reflected in the base-  
6       line data set forth in the applications submitted by  
7       the grantees under this section.

8           “(2) FINAL REPORT.—Not later than Sep-  
9       tember 30, 2010, the Secretary shall submit to the  
10      Congress a written report that contains the final  
11      evaluation of the Secretary.

12      “(i) REGULATIONS.—The Secretary shall prescribe  
13      such regulations as may be necessary to carry out this  
14      section, including regulations, developed in consultation  
15      with the States, representatives of the child welfare work-  
16      force, and advocates for children and families, governing  
17      how to obtain baseline data for each indicator set forth  
18      in subsection (b)(2).

19      “(j) APPROPRIATION.—Out of any money in the  
20      Treasury of the United States not otherwise appropriated,  
21      there are appropriated to the Secretary not more than  
22      \$200,000,000 for each of fiscal years 2009 through 2013  
23      to carry out this section.

24      “(k) DEFINITIONS.—In this section:

1           “(1) ALASKA NATIVE ORGANIZATION.—The  
2           term ‘Alaska Native Organization’ means any orga-  
3           nized group of Alaska Natives eligible to operate a  
4           Federal program under the Indian Self-Determina-  
5           tion Act (25 U.S.C. 450f et seq.) or the designee of  
6           such a group.

7           “(2) CHILD WELFARE AGENCY.—The term  
8           ‘child welfare agency’ means the State agency re-  
9           sponsible for administering subpart 1, and any pub-  
10          lic or private agency under contract with the State  
11          agency to provide child welfare services.

12          “(3) INDIAN TRIBE.—The term ‘Indian tribe’  
13          means any Indian tribe, band, Nation or other orga-  
14          nized group or community of Indians, including any  
15          Alaska Native Organization, that is recognized as el-  
16          igible for the special programs and services provided  
17          by the United States to Indians because of their sta-  
18          tus as Indians.

19          “(4) INSTITUTION OF HIGHER EDUCATION.—  
20          The term ‘institution of higher education’ has the  
21          meaning given the term in section 101 of the Higher  
22          Education Act of 1965.

23          “(5) STATE.—The term ‘State’ means each of  
24          the 50 States, the District of Columbia, Puerto Rico,

1       Guam, the United States Virgin Islands, American  
2       Samoa, and the Northern Mariana Islands.”.

3   **SEC. 302. INCREASE IN PAYMENT RATE FOR STATES FOR**  
4                   **EXPENDITURES FOR SHORT TERM TRAINING**  
5                   **OF STAFF OF CERTAIN CHILD WELFARE**  
6                   **AGENCIES AND COURT PERSONNEL.**

7       Section 474(a)(3)(B) of the Social Security Act (42  
8   U.S.C. 674(a)(3)(B)) is amended to read as follows:

9               “(B) 75 percent of so much of such ex-  
10           penditures (including travel and per diem ex-  
11           penses) as are for the short-term training of—

12               “(i) current or prospective foster or  
13           adoptive parents or relative guardians, or  
14           the members of the staff of State-licensed  
15           or State-approved child care institutions  
16           providing care, or of State-licensed or  
17           State-approved child welfare agencies pro-  
18           viding services, to foster or adopted chil-  
19           dren, or children residing permanently with  
20           a relative guardian, on behalf of whom as-  
21           sistance is provided pursuant to this part;

22               “(ii) members of the staff of abuse  
23           and neglect courts, agency attorneys, attor-  
24           neys representing children, parents, or  
25           guardians ad litem, or other court-ap-

pointed special advocates representing children in proceedings of such courts; and

“(iii) persons employed by State, local, or private nonprofit child-serving agencies that are working with the State or local agency administering the State plan under this part to keep children safe and provide permanent families for children,

in ways that increase the ability of such current or prospective parents, guardians, staff members, institutions, attorneys, advocates, and persons to provide support and assistance to foster and adopted children and children residing permanently with a relative guardian, whether incurred directly by the State or by contract;”.

**TITLE IV—CONNECTING CHILDREN TO SUPPORT, FAMILY, HEALTH CARE, AND SCHOOL**  
**Subtitle A—Connection to Support**

**SEC. 401. STATE OPTION FOR CHILDREN IN FOSTER CARE**  
**AFTER ATTAINING AGE 18.**

(a) DEFINITION OF CHILD.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

1 “(8)(A) Subject to subparagraph (B), the term  
 2 ‘child’ means an individual who has not attained 18  
 3 years of age.

4 “(B) At the option of a State, such term shall  
 5 include an individual in foster care under the re-  
 6 sponsibility of the State who—

7 “(i) has attained 18 years of age; and

8 “(ii) has not attained 19, 20, or 21 years  
 9 of age, as the State may elect.”.

10 (b) CONFORMING AMENDMENT TO DEFINITION OF  
 11 CHILD-CARE INSTITUTION.—Section 472(c)(2) of such  
 12 Act (42 U.S.C. 672(c)(2)) is amended by inserting “, ex-  
 13 cept, in the case of a child who has attained 18 years of  
 14 age, the term shall include a supervised setting in which  
 15 the individual is living independently, in accordance with  
 16 such conditions as the Secretary shall establish in regula-  
 17 tions” before the period.

18 (c) EFFECTIVE DATE.—The amendments made by  
 19 this section take effect on October 1, 2008.

## 20 **Subtitle B—Connections to Family**

### 21 **SEC. 411. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS** 22 **FOR CHILDREN.**

23 (a) STATE PLAN OPTION.—Section 471(a) of the So-  
 24 cial Security Act (42 U.S.C. 671(a)), as amended by sec-  
 25 tion 101(a) of this Act, is amended—

1           (1) by striking “and” at the end of paragraph  
2           (27);

3           (2) by striking the period at the end of para-  
4           graph (28) and inserting “; and”; and

5           (3) by adding at the end the following:

6           “(29) at the option of the State, provides for  
7           the State to enter into kinship guardianship assist-  
8           ance agreements to provide kinship guardianship as-  
9           sistance payments on behalf of children to grand-  
10          parents and other relatives who have assumed legal  
11          guardianship of the children for whom they have  
12          cared as foster parents and for whom they have  
13          committed to care for on a permanent basis, as pro-  
14          vided in section 473(d).”.

15          (b) IN GENERAL.—Section 473 of such Act (42  
16 U.S.C. 673) is amended by adding at the end the fol-  
17          lowing:

18          “(d) KINSHIP GUARDIANSHIP ASSISTANCE PAY-  
19          MENTS FOR CHILDREN.—

20                 “(1) KINSHIP GUARDIANSHIP ASSISTANCE  
21          AGREEMENT.—

22                         “(A) IN GENERAL.—In order to receive  
23                         payments under section 474(a)(6), a State  
24                         shall—

1 “(i) negotiate and enter into a writ-  
2 ten, binding kinship guardianship assist-  
3 ance agreement with the prospective rel-  
4 ative guardian of a child who meets the re-  
5 quirements of this paragraph;

6 “(ii) provide the prospective relative  
7 guardian with a copy of the agreement;  
8 and

9 “(iii) certify that any child on whose  
10 behalf kinship guardianship assistance pay-  
11 ments are made under the agreement shall  
12 be provided medical assistance under title  
13 XIX in accordance with section  
14 1902(a)(10)(A)(i)(I).

15 “(B) MINIMUM REQUIREMENTS.—The  
16 agreement shall specify, at a minimum—

17 “(i) the amount of, and manner in  
18 which, each kinship guardianship assist-  
19 ance payment will be provided under the  
20 agreement;

21 “(ii) the additional services and assist-  
22 ance that the child and relative guardian  
23 will be eligible for under the agreement;

24 “(iii) the procedure by which the rel-  
25 ative guardian may apply for additional

1 services as needed, provided the agency  
2 and relative guardian agree on the addi-  
3 tional services as specified in the case plan;  
4 and

5 “(iv) subject to subparagraph (D),  
6 that the State will pay the total cost of  
7 nonrecurring expenses associated with ob-  
8 taining legal guardianship of the child.

9 “(C) INTERSTATE APPLICATION.—The  
10 agreement shall provide—

11 “(i) that the agreement shall remain  
12 in effect without regard to the State resi-  
13 dency of the kinship guardian; and

14 “(ii) for the protection of the interests  
15 of the child in any case where the kinship  
16 guardian and the child move to another  
17 State while the agreement is in effect.

18 “(D) NO EFFECT ON FEDERAL REIM-  
19 BURSEMENT.—Nothing in subparagraph (B)(iv)  
20 shall be construed as affecting the ability of the  
21 State to obtain reimbursement from the Fed-  
22 eral Government for costs described in that  
23 subparagraph.

24 “(2) KINSHIP GUARDIANSHIP ASSISTANCE PAY-  
25 MENT.—



1           “(A) IN GENERAL.—The kinship guardian-  
2           ship assistance payment shall be based on con-  
3           sideration of the needs of the relative guardian  
4           and of the child and shall be at least equal to  
5           the amount of the foster care maintenance pay-  
6           ment for which the child would have been eligi-  
7           ble if the child had remained in foster care, or,  
8           at State option, the amount of the adoption as-  
9           sistance payment for which the child would  
10          have been eligible if the child had been adopted.  
11          The payment may be readjusted periodically  
12          based on relevant changes in such needs.

13           “(B) LIMITATION.—

14           “(i) IN GENERAL.—Except as pro-  
15           vided in clause (ii), no kinship guardian-  
16           ship assistance payment may be made to a  
17           relative guardian for any child who has at-  
18           tained 18 years of age.

19           “(ii) EXCEPTIONS.—At the option of  
20           the State, a kinship guardianship assist-  
21           ance payment may be made to a relative  
22           guardian with respect to a child who elects  
23           to remain in the care of the guardian until  
24           the child attains 21 years of age.

1           “(3) CHILD’S ELIGIBILITY FOR A KINSHIP  
2       GUARDIANSHIP ASSISTANCE PAYMENT.—

3           “(A) IN GENERAL.—A child is eligible for  
4       a kinship guardianship assistance payment  
5       under this subsection if the State agency deter-  
6       mines the following:

7           “(i) The child has been—

8               “(I) removed from his or her  
9               home pursuant to a voluntary place-  
10              ment agreement or as a result of a ju-  
11              dicial determination to the effect that  
12              continuation in the home would be  
13              contrary to the welfare of the child;

14              “(II) under the care of the State  
15              agency for the 12-month period end-  
16              ing on the date of the agency deter-  
17              mination; and

18              “(III) eligible for foster care  
19              maintenance payments under section  
20              472.

21           “(ii) Being returned home or adopted  
22       are not appropriate permanency options  
23       for the child.

24           “(iii) The child demonstrates a strong  
25       attachment to the prospective relative

1 guardian and the relative guardian has a  
2 strong commitment to caring permanently  
3 for the child.

4 “(iv) With respect to a child who has  
5 attained 14 years of age, the child has  
6 been consulted regarding the kinship  
7 guardianship arrangement.

8 “(B) TREATMENT OF SIBLINGS.—With re-  
9 spect to a child described in subparagraph (A)  
10 whose sibling or siblings are not so described—

11 “(i) the child and any sibling of the  
12 child may be placed in the same kinship  
13 guardianship arrangement if the State  
14 agency and the relative agree on the appro-  
15 priateness of the arrangement for the sib-  
16 lings; and

17 “(ii) kinship guardianship assistance  
18 payments may be paid for the child and  
19 each sibling so placed.”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) STATE PLAN REQUIREMENT.—

22 (A) IN GENERAL.—Section 471(a)(20) of  
23 such Act (42 U.S.C. 671(a)(20)) is amended—

24 (i) by adding “and” at the end of sub-  
25 paragraph (C); and

1 (ii) by adding at the end the fol-  
2 lowing:

3 “(D) provides procedures for criminal  
4 records checks, including fingerprint-based  
5 checks of national crime information databases  
6 (as defined in section 534(e)(3)(A) of title 28,  
7 United States Code), for any relative guardian  
8 before the relative guardian may be finally ap-  
9 proved for placement of a child regardless of  
10 whether kinship guardianship assistance pay-  
11 ments are to be made on behalf of the child  
12 under the State plan under this part;”.

13 (B) REDESIGNATION OF NEW PROVISION  
14 AFTER AMENDMENT MADE BY PRIOR LAW  
15 TAKES EFFECT.—

16 (i) IN GENERAL.—Section 471(a)(20)  
17 of the Social Security Act (42 U.S.C.  
18 671(a)(20)) is amended by redesignating  
19 subparagraph (D) as subparagraph (C).

20 (ii) EFFECTIVE DATE.—The amend-  
21 ment made by clause (i) shall take effect  
22 immediately after the amendments made  
23 by section 152 of Public Law 109–248  
24 take effect.

1           (2) PAYMENTS TO STATES.—Section 474(a) of  
2       such Act (42 U.S.C. 674(a)) is amended—

3           (A) by striking the period at the end and  
4       inserting “; plus”; and

5           (B) by adding at the end the following:

6           “(6) an amount equal to the percentage by  
7       which the expenditures referred to in paragraph (2)  
8       are reimbursed (after applying the reduction re-  
9       quired by subsection (h)(2)(A) of this section) of the  
10      total amount expended during such quarter as kin-  
11      ship guardianship assistance payments under section  
12      473(d) pursuant to kinship guardianship assistance  
13      agreements.”.

14          (3) DEFINITIONS.—Section 475(1) of such Act  
15      (42 U.S.C. 675(1)) is amended by adding at the end  
16      the following:

17           “(F) In the case of a child with respect to  
18      whom the permanency plan is placement with a  
19      relative and receipt of kinship guardianship as-  
20      sistance payments under section 473(d), a de-  
21      scription of—

22           “(i) the steps that the agency has  
23      taken to determine that it is not appro-  
24      priate for the child to be returned home or  
25      adopted;

1 “(ii) the reasons why a permanent  
2 placement with a fit and willing relative  
3 through a kinship guardianship assistance  
4 arrangement is in the child’s best interests;

5 “(iii) the ways in which the child  
6 meets the eligibility requirements for a kin-  
7 ship guardianship assistance payment;

8 “(iv) the efforts the agency has made  
9 to discuss adoption by the child’s relative  
10 foster parent as a more permanent alter-  
11 native to legal guardianship and, in the  
12 case of a relative foster parent who has  
13 chosen not to pursue adoption, documenta-  
14 tion of the reasons therefor; and

15 “(v) the efforts made by the State  
16 agency to secure the consent of the child’s  
17 parent or parents to the kinship guardian-  
18 ship assistance arrangement, or the rea-  
19 sons why the efforts were not made.”.

20 **SEC. 412. FAMILY CONNECTION GRANTS.**

21 Part B of title IV of the Social Security Act (42  
22 U.S.C. 620–629i), as amended by section 301 of this Act,  
23 is amended by adding at the end the following:

1           **“Subpart 4—Family Connection Grants**

2   **“SEC. 445. FAMILY CONNECTION GRANTS.**

3           “(a) IN GENERAL.—The Secretary of Health and  
4 Human Services may make matching grants to State,  
5 local, or tribal child welfare agencies, and private non-  
6 profit organizations that have experience in working with  
7 foster children or children in kinship care arrangements,  
8 for the purpose of helping children who are in, or at risk  
9 of entering, foster care reconnect with family members  
10 through the implementation of—

11           “(1) kinship navigator programs designed to as-  
12 sist kinship care givers in navigating their way  
13 through programs and services, and to help the care  
14 givers learn about and obtain assistance to meet the  
15 needs of the children they are raising and their own  
16 needs;

17           “(2) intensive family-finding efforts that utilize  
18 search technology to find biological family members  
19 for children in the child welfare system, and once  
20 identified, work to reestablish relationships and ex-  
21 plore ways to find a permanent family placement for  
22 the children; or

23           “(3) family group decision-making meetings for  
24 children in the child welfare system that engage and  
25 empower families to make decisions and develop

1 plans that protect and nurture children from endur-  
2 ing further abuse and neglect.

3 “(b) APPLICATIONS.—An entity desiring to receive a  
4 matching grant under this section shall submit to the Sec-  
5 retary an application, at such time, in such manner, and  
6 containing such information as the Secretary may require,  
7 including—

8 “(1) a description of how the grant will be used  
9 to implement 1 or more of the activities described in  
10 subsection (a);

11 “(2) a description of the types of children and  
12 families to be served, including how the children and  
13 families will be identified and recruited, and an ini-  
14 tial projection of the number of children and families  
15 to be served;

16 “(3) if the entity is a private organization, doc-  
17 umentation of support from the relevant local or  
18 State child welfare agency;

19 “(4) an assurance that the entity will cooperate  
20 fully with any evaluation provided for by the Sec-  
21 retary under this section; and

22 “(5) a commitment by the applicant that, if a  
23 grant is awarded to the applicant under this section  
24 for a period of—



1           “(A) 2 years, the applicant will expend  
2           from non-Federal sources, for the activities for  
3           which the grant is awarded, in the 2nd year of  
4           the grant period, an amount equal to not less  
5           than  $\frac{1}{3}$  of the amount of the grant payment re-  
6           ceived by the applicant under this section for  
7           that year; or

8           “(B) 3 years, the applicant will expend,  
9           from non-Federal sources, for the activities  
10          which the grant is awarded—

11               “(i) in the 2nd year of the grant pe-  
12               riod, an amount equal to not less than  $\frac{1}{3}$   
13               of the grant payment received by the appli-  
14               cant under this section for that year; and

15               “(ii) in the 3rd year of the grant pe-  
16               riod, an amount equal to the grant pay-  
17               ment received by the applicant under this  
18               section for that year.

19          “(c) LIMITATIONS.—

20               “(1) GRANT DURATION.—The Secretary may  
21               award a grant under this section for a period of not  
22               less than 1 year and not more than 3 years.

23               “(2) NUMBER OF GRANT PAYMENTS PER  
24               YEAR.—The aggregate number of payments the Sec-

1       retary may make in a fiscal year to all grantees  
2       under this section shall not exceed 20.

3       “(d) FEDERAL CONTRIBUTION.—The amount of a  
4       grant payment to be made to a grantee under this section  
5       during each year in the grant period shall be the following  
6       percentage of the grant amount approved by the Sec-  
7       retary:

8               “(1) 100 percent, if the payment is for the 1st  
9       year of the grant period.

10              “(2) 75 percent, if the payment is for the 2nd  
11       year of the grant period.

12              “(3) 50 percent, if the payment is for the 3rd  
13       year of the grant period.

14       “(e) FORM OF GRANTEE CONTRIBUTION.—A grantee  
15       under this section may provide not more than 50 percent  
16       of the amount which the grantee is required to expend  
17       to carry out the activities for which a grant is awarded  
18       under this section in kind, fairly evaluated, including  
19       plant, equipment, or services.

20       “(f) USE OF GRANT.—A grantee under this section  
21       shall use the grant in accordance with the approved appli-  
22       cation for the grant.

23       “(g) RESERVATIONS OF FUNDS.—

24              “(1) EVALUATION.—The Secretary shall reserve  
25       3 percent of the funds made available under sub-

1 section (h) for each fiscal year for the conduct of a  
2 rigorous evaluation of the activities funded with  
3 grants under this section.

4 “(2) TECHNICAL ASSISTANCE.—The Secretary  
5 may reserve 2 percent of the funds made available  
6 under subsection (h) for each fiscal year to provide  
7 technical assistance to recipients of grants under  
8 this section.

9 “(h) LIMITATIONS ON AUTHORIZATION OF APPRO-  
10 PRIATIONS.—To carry out this section, there are author-  
11 ized to be appropriated to the Secretary not more than  
12 \$50,000,000 for each of fiscal years 2009 through 2013.”.

13 **SEC. 413. INFORMATION ON ADOPTION TAX CREDIT.**

14 Section 471(a) of the Social Security Act (42 U.S.C.  
15 671(a)), as amended by sections 101(a) and 411(a) of this  
16 Act, is amended—

17 (1) by striking “and” at the end of paragraph  
18 (28);

19 (2) by striking the period at the end of para-  
20 graph (29) and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(30) provides that the State will inform any  
23 individual who is adopting, or whom the State is  
24 made aware is considering adopting, a child who is  
25 in foster care under the responsibility of the State

1 of the potential eligibility of the individual for a  
2 Federal tax credit (under section 23 of the Internal  
3 Revenue Code) without the need to document any  
4 adoption-related expenses.”.

5 **SEC. 414. ADOPTION INCENTIVES PROGRAM.**

6 (a) 5-YEAR EXTENSION.—Section 473A of the Social  
7 Security Act (42 U.S.C. 673b) is amended—

8 (1) in subsection (b)(4), by striking “in the  
9 case of fiscal years 2001 through 2007,”;

10 (2) in subsection (b)(5), by striking “1998  
11 through 2007” and inserting “2008 through 2012”;

12 (3) in subsection (c)(2), by striking “each of  
13 fiscal years 2002 through 2007” and inserting “a  
14 fiscal year”; and

15 (4) in each of subsections (h)(1)(D), and (h)(2),  
16 by striking “2008” and inserting “2013”.

17 (b) UPDATING OF FISCAL YEAR USED IN DETER-  
18 MINING BASE NUMBERS OF ADOPTIONS.—Section  
19 473A(g) of such Act (42 U.S.C. 673b(g)) is amended—

20 (1) in paragraph (3), by striking “means” and  
21 all that follows and inserting “means, with respect  
22 to any fiscal year, the number of foster child adop-  
23 tions in the State in fiscal year 2007.”;

24 (2) in paragraph (4)—

1 (A) by inserting “that are not older child  
2 adoptions” before “for a State”; and

3 (B) by striking “means” and all that fol-  
4 lows and inserting “means, with respect to any  
5 fiscal year, the number of special needs adop-  
6 tions that are not older adoptions in the State  
7 in fiscal year 2007.”; and

8 (3) in paragraph (5), by striking “means” and  
9 all that follows and inserting “means, with respect  
10 to any fiscal year, the number of older child adop-  
11 tions in the State in fiscal year 2007.”.

12 (c) INCREASE IN INCENTIVE PAYMENTS FOR SPE-  
13 CIAL NEEDS ADOPTIONS AND OLDER CHILD ADOP-  
14 TIONS.—Section 473A(d)(1) of such Act (42 U.S.C.  
15 673b(d)(1)) is amended—

16 (1) in subparagraph (B), by striking “\$2,000”  
17 and inserting “\$4,000”; and

18 (2) in subparagraph (C), by striking “\$4,000”  
19 and inserting “\$8,000”.

20 (d) INCENTIVE PAYMENTS FOR GUARDIANSHIP  
21 PLACEMENTS.—

22 (1) ADDITIONAL AVENUE FOR ELIGIBILITY FOR  
23 PAYMENTS.—Section 473A(b)(2) of such Act (42  
24 U.S.C. 673b(b)(2)) is amended—

1 (A) by striking “or” at the end of subpara-  
2 graph (A);

3 (B) by adding “or” at the end of subpara-  
4 graph (B); and

5 (C) by adding at the end the following:

6 “(C) the number of guardianship place-  
7 ments in the State during the fiscal year ex-  
8 ceeds the base number of guardianship place-  
9 ments in the State for the fiscal year;”.

10 (2) AMOUNT OF PAYMENT.—Section  
11 473A(d)(1) of such Act (42 U.S.C. 673b(d)(1)) is  
12 amended—

13 (A) by striking “and” at the end of sub-  
14 paragraph (B);

15 (B) by striking the period at the end of  
16 subparagraph (C) and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(D) \$4,000, multiplied by the amount (if  
19 any) by which the number of guardianship  
20 placements in the State during the fiscal year  
21 exceeds the base number of guardianship place-  
22 ments for the State for the fiscal year.”.

23 (3) DEFINITIONS.—Section 473A(g) of such  
24 Act (42 U.S.C. 673b(g)) is amended by adding at  
25 the end the following:

1 “(7) GUARDIANSHIP PLACEMENT.—The term  
 2 ‘guardianship placement’ means the placement of a  
 3 child from foster care under the responsibility of a  
 4 State into a legal guardianship.

5 “(8) BASE NUMBER OF GUARDIANSHIP PLACE-  
 6 MENTS.—The term ‘base number of guardianship  
 7 placements for a State’ means, with respect to any  
 8 fiscal year, the number of guardianship placements  
 9 in the State in fiscal year 2007.”.

10 **SEC. 415. SIBLING PLACEMENT.**

11 Section 471(a) of the Social Security Act (42 U.S.C.  
 12 671(a)), as amended by sections 101(a), 411(a), and 413  
 13 of this Act, is amended—

14 (1) by striking “and” at the end of paragraph  
 15 (29);

16 (2) by striking the period at the end of para-  
 17 graph (30) and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(31) provides that reasonable efforts shall be  
 20 made to place siblings removed from their home in  
 21 the same foster care placement unless the State doc-  
 22 uments that such a joint placement would be con-  
 23 trary to the safety or well-being of any of the sib-  
 24 lings.”.

1     **Subtitle C—Connections to Health**  
2                     **Care**

3     **SEC. 421. HEALTH OVERSIGHT AND COORDINATION PLAN.**

4             Section 422(b)(15) of the Social Security Act (42  
5     U.S.C. 622(b)(15)) is amended to read as follows:

6                     “(15)(A) provides that the State will develop, in  
7             coordination and collaboration with the State agency  
8             referred to in paragraph (1) and the State agency  
9             responsible for administering the State plan ap-  
10            proved under title XIX, and in consultation with pe-  
11            diatricians, other experts in health care, and experts  
12            in and recipients of child welfare services, a plan for  
13            the ongoing oversight and coordination of health  
14            care services for any child in a foster care place-  
15            ment, which shall ensure a coordinated strategy to  
16            identify and respond to the health care needs of chil-  
17            dren in foster care placements, including mental  
18            health and dental health needs, and shall include an  
19            outline of—

20                     “(i) a schedule for initial and follow-up  
21             health screenings that meet reasonable stand-  
22             ards of medical practice;

23                     “(ii) how health needs identified through  
24             screenings will be monitored and treated;



1           “(iii) how medical information for children  
2           in care will be updated and appropriately  
3           shared, which may include the development and  
4           implementation of an electronic health record;

5           “(iv) steps to ensure continuity of health  
6           care services, which may include the establish-  
7           ment of a medical home for every child in care;

8           “(v) the oversight of prescription medi-  
9           cines; and

10          “(vi) how the State actively consults with  
11          and involves physicians or other appropriate  
12          medical professionals in assessing the health  
13          and well-being of children in foster care and in  
14          determining appropriate medical treatment for  
15          the children; and

16          “(B) subparagraph (A) shall not be construed  
17          to reduce or limit the responsibility of the State  
18          agency responsible for administering the State plan  
19          approved under title XIX to provide care and serv-  
20          ices for children with respect to whom services are  
21          provided under the State plan developed pursuant to  
22          this subpart;”.

## 1   **Subtitle D—Connections to School**

### 2   **SEC. 431. EDUCATIONAL STABILITY.**

3       Section 475 of the Social Security Act (42 U.S.C.  
4   675) is amended—

5           (1) in paragraph (1)—

6               (A) in subparagraph (C), by striking  
7       clause (iv) and redesignating clauses (v)  
8       through (viii) as clauses (iv) through (vii), re-  
9       spectively; and

10           (B) by adding at the end the following:

11               “(F) A plan for ensuring the educational  
12       stability of the child while in foster care, includ-  
13       ing—

14                   “(i) assurances that the placement of  
15       the child in foster care takes into account  
16       proximity to the school in which the child  
17       is enrolled at the time of placement; and

18                   “(ii)(I) a discussion of the efforts of  
19       the State agency to coordinate with appro-  
20       priate local educational agencies (as de-  
21       fined under section 9101 of the Elemen-  
22       tary and Secondary Education Act of  
23       1965) to ensure that the child remain in  
24       the school in which the child is enrolled at  
25       the time of placement; or

1                   “(II) if remaining in such school is  
2                   not in the best interests of the child, a dis-  
3                   cussion of efforts to coordinate with the  
4                   educational agencies to ensure immediate  
5                   enrollment in a new school.”; and

6                   (2) in the 1st sentence of paragraph (4)(A)—

7                   (A) by striking “and reasonable” and in-  
8                   serting “reasonable”; and

9                   (B) by inserting “, and reasonable travel  
10                  for the child to remain in the school in which  
11                  the child is enrolled at the time of placement”  
12                  before the period.

○